

Assembly Bill No. 1172

Passed the Assembly September 9, 2009

Chief Clerk of the Assembly

Passed the Senate August 27, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 75470 of, to amend the heading of Chapter 5 (commencing with Section 75470) of Part 8 of Division 21 of, and to add Section 74200.5 to, the Water Code, and to add Sections 4.5 and 5.5 to Chapter 819 of the Statutes of 1971, relating to water conservation districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1172, Galgiani. Eastern San Joaquin County Water District.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes procedures for the consolidation of special districts. The Water Conservation District Law of 1931 generally governs the formation of water conservation districts and specifies the powers and purposes of those districts.

This bill would specify the powers of the Eastern San Joaquin County Water District (district) to fix and collect specified charges, and to continue to collect specified charges and assessments, on and after the date on which the San Joaquin Local Agency Formation Commission approves the consolidation of the Stockton-East Water District and the Central San Joaquin Water Conservation District. The bill would state the findings and declarations of the Legislature concerning the need for special legislation.

The bill would also authorize a local agency formation commission, in approving the consolidation or reorganization of 2 or more districts into a single water conservation district, to temporarily increase the number of members on the board of directors of the consolidated or reorganized district, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 74200.5 is added to the Water Code, to read:

74200.5. (a) Notwithstanding any other provision of this part, the local agency formation commission, in approving either a consolidation of districts or the reorganization of two or more districts into a single water conservation district may, pursuant to

subdivisions (k) and (n) of Section 56886 of the Government Code, increase the number of directors to serve on the board of directors of the consolidated or reorganized district to 7, 9, or 11, who shall be members of the board of directors of the districts to be consolidated or reorganized as of the effective date of the consolidation or reorganization.

(b) Unless the local agency formation commission provides for an alternative schedule for reducing the size of the board of directors of the consolidated or reorganized district, upon the expiration of the terms of the members of the board of directors of the consolidated or reorganized district whose terms first expire following the effective date of the consolidation or reorganization, the total number of members on the board of directors shall be reduced until the number equals 5, 7, or 9, as may be determined by the local agency formation commission in approving the consolidation or reorganization.

(c) In addition to the powers granted under Section 1780 of the Government Code, in the event of a vacancy on the board of directors of the consolidated or reorganized district at which time the total number of directors is greater than five, the board of directors may, by majority vote of the remaining members of the board, choose not to fill the vacancy. In that event, the total membership of the board of directors shall be reduced by one board member. Upon making the determination not to fill a vacancy, the board of directors shall notify the board of supervisors of its decision.

SEC. 2. The heading of Chapter 5 (commencing with Section 75470) of Part 8 of Division 21 of the Water Code is amended to read:

CHAPTER 5. EASTERN SAN JOAQUIN COUNTY WATER DISTRICT
CHARGES

SEC. 3. Section 75470 of the Water Code is amended to read:

75470. (a) The Eastern San Joaquin County Water District, in addition to its other powers, may fix and collect charges as provided in this chapter.

(b) As used in this chapter, “district” means the Eastern San Joaquin County Water District.

(c) If the board has complied with the procedures set forth in this chapter, as it read at the time charges were established pursuant to Sections 75471 and 75471.5, the board may, by resolution, continue to collect the charges in successive years at the same rate, consistent with Article XIII D of the California Constitution.

SEC. 4. Section 4.5 is added to Chapter 819 of the Statutes of 1971, to read:

Sec. 4.5. Notwithstanding any other provision of this act, including subdivision (q) of Section 4 of this act, as used in this act, “district” means the Eastern San Joaquin County Water District.

SEC. 5. Section 5.5 is added to Chapter 819 of the Statutes of 1971, to read:

Sec. 5.5. (a) If the board has complied with the procedures set forth in this act, as it read at the time that a groundwater assessment was established pursuant to this act, the board may, by resolution, continue to collect the groundwater assessment in successive years at the same rate, consistent with Article XIII D of the California Constitution.

(b) If the board has complied with the procedures set forth in this act, as it read at the time that a charge for stream-delivered water were established pursuant to this act, the board may, by resolution, continue to collect the charge in successive years at the same rate, consistent with Article XIII D of the California Constitution.

SEC. 6. Sections 2, 3, 4, and 5 of this act shall become operative on the effective date of the consolidation or reorganization of the Stockton-East Water District and the Central San Joaquin Water Conservation District into a single water conservation district, as determined by the San Joaquin County Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Division 3 (commencing with Section 56000) of Title 5 of the Government Code). The commission shall transmit a notice within 30 days of that consolidation or reorganization to the Secretary of State.

SEC. 7. The Legislature finds and declares that Sections 3 to 5, inclusive, of this act, which is applicable only to the Eastern San Joaquin County Water District, is necessary because of the consolidation of the Stockton-East Water District and the Central

San Joaquin Water Conservation District. It is, therefore, hereby declared that a general law within the meaning of Section 16 of Article IV of the California Constitution cannot be made applicable County Water District and the enactment of this special law is necessary for the public good.

Approved _____, 2009

Governor